

Karen Lynn-Dyson/EAC/GOV

09/28/2005 01:28 PM

To Raymundo Martinez/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC

cc Adam Ambrogi/EAC/GOV@EAC

bcc

Subject Getting together today or tomorrow at 4:00

I've had a chance to go over, more thoroughly, the Eagleton study and findings and think it would be helpful for you all to take a special look at the research that was done related to provisional case law.

Shall we get together for about an hour or so today or tomorrow, so that you all can look through this material? This would be in preparation for Friday's call with Eagleton.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024422

Karen Lynn-Dyson/EAC/GOV
09/28/2005 04:11 PM

To john.weingart@rutgers.edu, Raymundo
Martinez/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam

cc

bcc

Subject Re: EAC Conference Call - Friday 9/30

Thanks for passing on the call-in information. We look forward to speaking with the team then.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

09/28/2005 04:01 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

Subject Re: EAC Conference Call - Friday 9/30

Karen - For our conference call this Friday at 1:30, participants should dial (877) 805-0964 and then when prompted enter: 869580#. Could you relay this information to Commissioner Martinez and the others from the EAC who will be on the call. At our end will be Tom O'Neill, Ingrid Reed and me.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> Excellent-
>
> Friday at 1:30 it is.
>
> Please do let the EAC staff know what number to call. Ray Martinez
> and Tom Wilkey may be calling from the road. Julie Thompson and I
> will be here.
>
> Thanks, again

024423

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu> *
>
> 09/27/2005 03:56 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> klynndyson@eac.gov
> cc
> Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov,
> rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu,
> davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu,
> ireed@rutgers.edu, iwreed@aol.com, joharris@eden.rutgers.edu,
> [REDACTED], rmandel@rci.rutgers.edu, sampson.8@osu.edu,
> tokaji.1@osu.edu, "Tom O'Neill" [REDACTED]
> vincelli@rci.rutgers.edu, williams.285@osu.edu
> Subject
> Re: EAC Conference Call - Friday 9/30
>
>
>
>
>
>
>
>
>
>
> Karen - Let's do it on Friday at 1:30. From my initial polling, at least
> Tom O'Neill, Ingrid Reed and I will be available. Since we will not all
> be at the same location, would you like us to initiate a conference call
> from here and give you a number to call in to?
>
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732) 932-9384, x.290
>
>
>
> klynndyson@eac.gov wrote:
>
>
> > Eagleton/Moritz team-
>
> > I'd leek to propose a conference call with EAC Commissioner Martinez,
> > General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and
> > your team for either *10:30 or 1:30 on Friday, September 30*.
>
> > This will be to discuss the draft guidance and final report you will

> > be producing for the EAC.
> >
> > Please let me know which time works for you
> >
> > Regards
> > Karen Lynn-Dyson
> > Research Manager
> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123
>
>
>

Karen Lynn-Dyson/EAC/GOV

09/29/2005 02:42 PM

To Raymundo Martinez/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC

cc

bcc

Subject Fw: EAC Conference Call - Friday 9/30

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/28/2005 02:41 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

09/28/2005 04:01 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

Subject Re: EAC Conference Call - Friday 9/30

Karen - For our conference call this Friday at 1:30, participants should dial (877) 805-0964 and then when prompted enter: 869580#. Could you relay this information to Commissioner Martinez and the others from the EAC who will be on the call. At our end will be Tom O'Neill, Ingrid Reed and me.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

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> Excellent-
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> Please do let the EAC staff know what number to call. Ray Martinez
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> will be here.
>
> Thanks, again
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

024426

> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123

>

>

>

Karen Lynn-Dyson/EAC/GOV

To Devon E. Romig/CONTRACTOR/EAC/GOV@EAC

cc

10/05/2005 11:43 AM

bcc

Subject Fw: SOW for voting fraud consultants

Devon-

Here is one of the voting fraud SOW. Check with Carol to be certain this is the final SOW.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/04/2005 11:35 AM —

Karen Lynn-Dyson/EAC/GOV

To carol paquette

09/22/2005 01:20 PM

cc

Subject Fw: SOW for voting fraud consultants

These changes are fine with me.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/21/2005 01:18 PM —

Carol A. Paquette/EAC/GOV

09/21/2005 07:45 PM

To klynndyson@eac.gov@EAC

cc

Subject SOW for voting fraud consultants

Karen -

Did some tightening up on language in this SOW. Let me know if you have any changes you want to make ASAP so this can go in for contract processing tomorrow. Thanks!

024429



Wang consulting contract.doc

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

024430

Karen Lynn-Dyson/EAC/GOV
10/05/2005 11:55 AM

To Carol A. Paquette/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: Fw: October 14th Meeting at EAC

Nicole-

Indeed, it is appropriate for Eagleton to bring three persons; I have asked them to bring their survey expert, their case law person and their project director.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

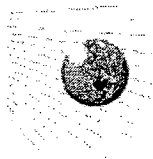
Carol A. Paquette/EAC/GOV
10/05/2005 10:57 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc klynndyson@eac.gov@EAC
Subject Re: Fw: October 14th Meeting at EAC

Nicole -

You need to coordinate these questions with Karen. This is her meeting. I do not know the objectives or purpose, nor have I seen an agenda. So I cannot begin to know how many or who should attend from any given project.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Nicole Mortellito/CONTRACTOR/EAC/GOV



Nicole
Mortellito/CONTRACTOR/EA
C/GOV
10/05/2005 10:37 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: October 14th Meeting at EAC

Carol: your thoughts on this?

----- Forwarded by Nicole Mortellito/CONTRACTOR/EAC/GOV on 10/05/2005 10:36 AM -----

024431



"John Weingart"
<john.weingart@rutgers.edu>

10/05/2005 10:07 AM

Please respond to
john.weingart@rutgers.edu

To nmortellito@eac.gov

cc

Subject Re: October 14th Meeting at EAC

Nicole - Would it be ok if we brought 3 people to this meeting so we could bring our project director, Tom O'Neill, one of the people from Eagleton who ran our nationwide survey of county election officials, Tim Vercellotti or April Rapp, and Ned Foley from Moritz School of Law, our partner institution?

Thanks, John

024432

Karen Lynn-Dyson/EAC/GOV
10/25/2005 01:13 PM

To [REDACTED]
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC
Subject Re: EAC input on the Eagleton draft provisional voting
document

Tom-

Our legal department has been inundated with legal requests in the last two weeks, so please pardon our delay in getting our written comments on the draft document back to you.

Julie informs me that you should have these in the next several days.

Hope that the work of the Peer Review Group and work on Voter Id is continuing to progress.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024433

Karen Lynn-Dyson/EAC/GOV

10/25/2005 02:36 PM

To Juliet E. Thompson/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

cc

bcc

Subject Fw: EAC input on the Eagleton draft provisional voting document

FYI-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/24/2005 02:32 PM -----



"Tom O'Neill"

10/25/2005 01:44 PM

To klynndyson@eac.gov

cc

Subject RE: EAC input on the Eagleton draft provisional voting document

Karen,

Thanks. We are aiming to complete drafting the recommendations for Guidance and Best Practice for Provisional Voting in the next 10 days, so the written comments will be most helpful if they arrive in that time. And, of course, we will be revising the analysis documents in line with the comments from the EAC and the PRG during that time period as well.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, October 25, 2005 1:13 PM

To: [REDACTED]

Subject: Re: EAC input on the Eagleton draft provisional voting document

Tom-

024434

Our legal department has been inundated with legal requests in the last two weeks, so please pardon our delay in getting our written comments on the draft document back to you.

Julie informs me that you should have these in the next several days.

Hope that the work of the Peer Review Group and work on Voter Id is continuing to progress.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
11/14/2005 11:58 AM

To "Tom O'Neill" [REDACTED]
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Thomas R.
Wilkey/EAC/GOV@EAC
Subject RE: EAC input on the Eagleton draft provisional voting
document [REDACTED]

Greetings Tom-

I write to get an update on how things are progressing with your peer group and staff work on the development of the draft documents.

I would imagine your October monthly report will come in this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"
[REDACTED]
10/25/2005 01:44 PM

To klynndyson@eac.gov
cc
Subject RE: EAC input on the Eagleton draft provisional voting
document

Karen,

Thanks. We are aiming to complete drafting the recommendations for Guidance and Best Practice for Provisional Voting in the next 10 days, so the written comments will be most helpful if they arrive in that time. And, of course, we will be revising the analysis documents in line with the comments from the EAC and the PRG during that time period as well.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Tuesday, October 25, 2005 1:13 PM
To: tom_oneill@verizon.net

024436

Subject: Re: EAC input on the Eagleton draft provisional voting document

Tom-

Our legal department has been inundated with legal requests in the last two weeks, so please pardon our delay in getting our written comments on the draft document back to you.

Julie informs me that you should have these in the next several days.

Hope that the work of the Peer Review Group and work on Voter Id is continuing to progress.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024437

Karen Lynn-Dyson/EAC/GOV
11/14/2005 03:33 PM

To "Tom O'Neill" [REDACTED]
cc john.weingart@rutgers.edu
bcc
Subject RE: EAC input on the Eagleton draft provisional voting
document

Thanks for the update.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024438

Karen Lynn-Dyson/EAC/GOV
11/15/2005 11:22 AM

To john.weingart@rutgers.edu
cc "Ruth Mandel" <rmandel@rci.rutgers.edu>, "Tom O'Neill"
[REDACTED]
bcc [REDACTED]
Subject Re: Provisional Voting Report Status and Request for Advice
[REDACTED]

John-

Many thanks for getting this draft document to us.

Over the next day or so I will spend time with key EAC staff reviewing the document and considering your questions. As you may recall, Commissioner Martinez has taken a prominent role in the review of your initial work and I am certain he will continue to do so. Sadly, the Commissioner lost his mother two weeks ago and, consequently, will not return to the office until next week.

It is likely that EAC staff will not be able to give you a definitive answer on some of your questions until the Monday after Thanksgiving. I will, however, try to answer some of the administrative questions before that time.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

11/15/2005 10:53 AM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"
<rmandel@rci.rutgers.edu>
cc "Tom O'Neill" [REDACTED]
Subject Provisional Voting Report Status and Request for Advice

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18th. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

024439

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12th on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31st. How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will be incurring after the first of the year?

We look forward to discussing these matters with you.

Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



KeyDatesRev1110.doc

024440

DRAFT FOR DISCUSSION

**Deliberative Process
Privilege**

REVISED SCHEDULE FOR EAC PROJECT

November 2005 – February 2006

November 10, 2005

Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to EAC for review and to PRG for information Discuss with EAC use of Board of Advisors to expand "best practices." (TON, JW) EAC reviews report	Research continues (TV)
Week of 11/21		EAC review continues	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review continues	Draft report on Voter ID analysis (TV)

024441

DRAFT FOR DISCUSSION

Week of 12/5	Status reports to JD for November tasks (all)	EAC review continues	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	Receive EAC comments on report Revise and PT review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		Finalize analysis and best practices to EAC for publication¹	Complete draft report and alternatives (TV, TON)
Week of 12/26			Review draft report and alternatives (PT)
Week of 1/2/06	Status reports to JD for December tasks (all)		Report and alternatives to PRG
Week of 1/9/06			PRG meets and comments Revise (TV & TON)

¹ If the EAC chooses not to issue a Guidance Document on provisional voting but only to recommend "best practices," the register publication, hearing and comment period may not be required, which would shorten the process by at least 30 days.

DRAFT FOR DISCUSSION

Week of 1/16/06	Submit monthly progress report (JD)		Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06			EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)
Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC
Week of 2/20/06	FINAL status reports to JD for all tasks (all) Final project and fiscal report to EAC PROJECT ENDS		

Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Eileen L. Collver/EAC/GOV@EAC, Bert A.

bcc

Subject Fw: October Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM -----



"Tom O'Neill"

11/14/2005 05:27 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

-----Original Message-----

From: Tom O'Neill [redacted]

Sent: Monday, November 14, 2005 5:26 PM

To: klynndyson@eac.gov

Cc: Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; [redacted]

Subject: October Progress Report

Karen,

024444

Attached is the Progress Report for October. Please note that this report includes an attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill



OctoberFinal.doc



EAGLETON INSTITUTE OF POLITICS

***Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures***

**MONTHLY PROGRESS REPORT
October 2005**

**For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005**

November 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

024446

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to tom_oneill@verizon.net or by telephone at (908) 794-1030.

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The final analysis will be sent to the EAC by Thanksgiving.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area..

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquiries about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

Work Plan: By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

<p>Task 3.6: Prepare preliminary draft guidance document.</p>
--

The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data has begun and will increasingly become the central focus of our work.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: Eagleton has stayed in touch with members of the Peer Review Group since the September 21st conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

Challenges: No new challenges were encountered during October.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

ATTACHMENT TO OCTOBER PROGRESS REPORT

Characteristics of the Provisional Voting Process

Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting¹ and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting.. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

¹ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

Table 1 CATEGORIZATION OF STATES -- Old vs New		
Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

Statewide List of Registered Voters

The Electionline preview of the 2004 Election² was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

² "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Table 2			
CATEGORIZATION OF STATES -- Statewide Registration Database			
Had Database 2004	No Database A-N	No Database N-W	HAVA Exempt or NA
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
16	27	8	

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”

Table 3 CATEGORIZATION OF STATES -- Counting Out-Of-Precinct Ballots		
Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Delaware	Connecticut	New Hampshire
Georgia	District of Columbia	North Dakota
Illinois	Florida	Wisconsin
Kansas	Hawaii	Wyoming
Louisiana	Indiana	
Maryland	Iowa	
New Mexico	Kentucky	
North Carolina	Massachusetts	
Oregon	Michigan	
Pennsylvania	Missouri	
Rhode Island	Montana	
Utah	Nebraska	
Vermont	Nevada	
Washington	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
17	26	7

Voter Identification

We relied on Electionline studies, including the Voter Identification study³ and the 2004 Election Preview, to classify the states on their requirements for voter identification. Each state's categorization is taken directly from the Electionline studies except Hawaii.⁴ The five different, and increasingly rigorous, categories are: Give Name (8 states), Sign Name (14 states), Match Signature (8 states), Provide ID (15 states), and Photo ID (5 states).

³ This study can be found at: <http://electionline.org/Portals/1/Publications/Voter%20Identification.pdf>

⁴ In 2004, ElectionLine listed Hawaii as requiring identification. Our review of statutes revealed that Hawaii could require photo ID. Since that is the most rigorous form of identification that may be required of voters, we classified Hawaii under this category.

Table 4**CATEGORIZATION OF STATES -- Forms of Identification Required**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Give Name	Sign Name	Match Signature	Provide ID	Photo ID
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
9	14	8	15	5

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Table 5**CATEGORIZATION OF STATES -- Ballot Evaluation Methods**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

Table 6	
Updated information by State	
Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁵
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁶	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁷	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁵ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁶ Maryland reported provisional ballots that were counted per county, but not number cast.

⁷ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

Karen Lynn-Dyson/EAC/GOV

11/15/2005 11:23 AM

To Juliet E. Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC

cc

bcc

Subject Fw: Provisional Voting Report Status and Request for Advice

FYI-

Perhaps we can discuss in the next day or so.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/14/2005 11:22 AM -----

Karen Lynn-Dyson/EAC/GOV

11/15/2005 11:22 AM

To john.weingart@rutgers.edu

cc "Ruth Mandel" <rmandel@rci.rutgers.edu>, "Tom O'Neill"

Subject Re: Provisional Voting Report Status and Request for Advice



John-

Many thanks for getting this draft document to us.

Over the next day or so I will spend time with key EAC staff reviewing the document and considering your questions. As you may recall, Commissioner Martinez has taken a prominent role in the review of your initial work and I am certain he will continue to do so. Sadly, the Commissioner lost his mother two weeks ago and, consequently, will not return to the office until next week.

It is likely that EAC staff will not be able to give you a definitive answer on some of your questions until the Monday after Thanksgiving. I will, however, try to answer some of the administrative questions before that time.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

024463



11/15/2005 10:53 AM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"
<rmandel@rci.rutgers.edu>

cc "Tom O'Neill" <[REDACTED]>

Subject Provisional Voting Report Status and Request for Advice

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18th. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12th on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31st. How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will be incurring after the first of the year?

024464

We look forward to discussing these matters with you.

Thanks, John


--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



KeyDatesRev1110.doc

Karen Lynn-Dyson/EAC/GOV
11/17/2005 09:53 AM

To john.weingart@rutgers.edu
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Adam
Ambrogi/EAC/GOV@EAC
Subject Re: Provisional Voting Report Status and Request for Advice


John-

We'll try and get you an answer on some of these by tomorrow.


Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>
11/15/2005 10:53 AM
Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Ruth Mandel"
<rmandel@rci.rutgers.edu>
cc "Tom O'Neill" 
Subject Provisional Voting Report Status and Request for Advice

Karen - We would like to talk with you about the process and schedule for completing our work in a way that is most useful to the EAC. I am attaching a draft timeline for the completion of this work and listing below five specific questions we need to resolve as quickly as possible. I would appreciate it if you would call me to discuss how best to address these matters - whether by telephone or by coming to meet in Washington.

We are planning to submit our report on Provisional Voting to the EAC by November 18th. Although it is not required in our contract, we will at the same time give copies to the members of the Peer Review Group offering them the opportunity to send us any additional corrections or other comments.

We are considering making all our recommendations for both Provisional Voting and Voter ID in the form of Best Practices. Some of them might well lend themselves to Guidance, but our discussion of the earlier draft with the EAC left us with the clear impression that on this topic the preference was for recommendations for Best Practices rather than a Guidance document. The calendar also argues for the Best Practices route to enable the EAC to give states advice they can use in 2006. (The attached draft timeline would need to be revised if the EAC prefers to propose some of the recommendations as Guidance.)

024466

QUESTIONS:

1. Does the EAC agree with the approach described above to make all recommendations in the form of Best Practices rather than Guidance?
2. How long will it take the EAC to review and return comments on our draft Provisional Voting document? Is our attached revised schedule realistic in anticipating EAC comments no later than the week of December 12th on the report we send you at the end of this week?
3. After we revise our report on Provisional Voting to reflect any comments we receive from the EAC, and follow a similar process for our report on Voter Identification, what further steps would the Commission like us to take? Would you want us to conduct a review with your Board of Advisors and/or hold public hearings even though these steps are, we understand, required only for a Guidance Document? A review by the Board of Advisors would offer the opportunity to solicit suggestions for Best Practices from its members, thus strengthening the document and building a constituency for their adoption. (The attached draft timeline does not include such additional reviews.)
4. In any case, we will need a no-cost extension to the contract to carry us past December 31st . How do we make that request?
5. Assuming that we conduct fewer public hearings than we had anticipated, can we reallocate funds we had budgeted for that purpose to cover the higher than anticipated personnel and consultant costs we will be incurring after the first of the year?

We look forward to discussing these matters with you.

Thanks, John

--


-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



KeyDatesRev1110.doc

024467

Karen Lynn-Dyson/EAC/GOV
11/28/2005 11:59 AM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: Contract modification 

Thanks for passing this info on.

Thanks also for sending on the Best Practices document. I'll pass it along to the necessary folks here at EAC and will be back in touch shortly.

P.S. For some reason the phone wasn't working at all when I dialed and I dialed three times.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024466

Karen Lynn-Dyson/EAC/GOV

12/02/2005 05:38 PM

To Juliet E. Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC

cc


bcc

Subject Shall we discuss the Eagleton Best Practices Document on
Monday at 3:00?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024469

Karen Lynn-Dyson/EAC/GOV
12/05/2005 04:30 PM

To john.weingart@rutgers.edu
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Adam
Ambrogi/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC
Subject Re: No Cost Extension Request 

John-

Just wanted to let you know that we've had to push back, by a week, the review of Eagleton's Best Practices document.


EAC staff are very focused on the release of the Voting Systems Guidelines; this will be completed by mid-week next week. I'm told that the Commissioners will turn their attention to the Best Practices document, immediately following this.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024470

Karen Lynn-Dyson/EAC/GOV
12/12/2005 02:36 PM

To john.weingart@rutgers.edu
cc Tamar Nedzar/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC
bcc
Subject Re: No Cost Extension Request 

John-

The no-cost extension materials have gone to the Chair for signature and review.

The process should be complete within the week.

Also, EAC staff will be turning their attention to the provisional voting best practices document after Wednesday of this week.

As always, thanks for your patience.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024471

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/12/2005 04:31 PM

cc

bcc

Subject Fw: No Cost Extension Request

Gavin-

Is it correct to say that this paperwork that has just gone to the Chair includes an approval of the re-allocation of funds?

Thanks

K



Eagleton no-cost extension.doc Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:28 PM —



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

12/12/2005 03:07 PM

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: No Cost Extension Request

Karen - Does that also include the request to reallocate funds or is that just something that doesn't require EAC approval? Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> The no-cost extension materials have gone to the Chair for signature
> and review.
>
> The process should be complete within the week.
>
> Also, EAC staff will be turning their attention to the provisional

024472

> voting best practices document after Wednesday of this week.
>
> As always, thanks for your patience.
>
>
> K
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
01/18/2005 11:48 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Re: voter ID research

Yes, I concur with your assessment of combining the work.

I do, however, think there are some particular research questions we'll want to probe related to the voter ID requirements piece. For instance, I think we'll want to gather some state-by-state data regarding their voter ID requirements, and will want to learn more about the State's experiences with voter ID requirements in the last election. Certainly, these inquiries can be folded into the research work a firm will do on provisional balloting.

Hope the NIST meeting is going well..
K

Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
01/17/2005 08:35 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject voter ID research

Karen -

Now that I've read again the voter ID section of HAVA, here's my recommendation for the research plan. I think this study should be combined with the provisional voting work because unacceptable voter ID is a reason for a voter receiving a provisional ballot. The impact of the HAVA voter ID requirements is somewhat broader but still the two are closely linked. Since the provisional voting research team is going to look at state law requirements and procedures anyhow, this would fit right in. So it would make sense to me to meld topics 4, 6 and 7 into a single research project with multiple products. What do you think? I'll run this approach by Commissioner Martinez at NIST tomorrow to get his view.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

024474

Karen Lynn-Dyson/EAC/GOV
01/18/2005 11:48 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Re: voter ID research

Yes, I concur with your assessment of combining the work.

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Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
01/17/2005 08:35 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject voter ID research


Karen -

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Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

024475

Karen Lynn-Dyson/EAC/GOV
01/19/2005 02:26 PM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Re: voter ID research 


OK. Hope you make it back from G-burg OK. I'll e-mail you the research/guidance budget by COB today.

K

Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
01/18/2005 09:39 PM


To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: voter ID research 

Karen -

Briefly discussed this with Commissioner Martinez today and he was in general agreement but wanted to think about it a little further and re-read HAVA provisions.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
01/18/2005 11:48 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Re: voter ID research 

Yes, I concur with your assessment of combining the work.

I do, however, think there are some particular research questions we'll want to probe related to the voter ID requirements piece. For instance, I think we'll want to gather some state-by-state data regarding their voter ID requirements, and will want to learn more about the State's experiences with voter ID requirements in the last election. Certainly, these inquiries can be folded into the research work a firm will

024476

do on provisional balloting.

Hope the NIST meeting is going well..

K

Karen Lynn-Dyson
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tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
01/17/2005 08:35 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

Subject voter ID research

Karen -

Now that I've read again the voter ID section of HAVA, here's my recommendation for the research plan. I think this study should be combined with the provisional voting work because unacceptable voter ID is a reason for a voter receiving a provisional ballot. The impact of the HAVA voter ID requirements is somewhat broader but still the two are closely linked. Since the provisional voting research team is going to look at state law requirements and procedures anyhow, this would fit right in. So it would make sense to me to meld topics 4, 6 and 7 into a single research project with multiple products. What do you think? I'll run this approach by Commissioner Martinez at NIST tomorrow to get his view.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

024477

Karen Lynn-Dyson/EAC/GOV

To Carol A. Paquette/EAC/GOV@EAC

01/28/2005 02:27 PM

cc

bcc

Subject SOW for provisional voting and voter ID requirements

Here's a draft of the scope of work.

Look forward to your edits/revisions and to talking through the budget numbers.

Am hoping to leave by 6:00 PM today. Let me know.

Thanks

K



scope of work provisional balloting.doc Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024476

January 28, 2005

STATEMENT OF WORK FOR EAC VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

1.0 Contract Title: Data Analysis and Development of Guidance on Provisional Voting and Voter Identification Procedures for the U.S. Election Commission

2.0 Background: HAVA stipulates that in an election for Federal office each registered voter whose name does not appear on the official list of eligible voters, or an election official asserts is not eligible to vote, is permitted to cast a provisional ballot.

The EAC seeks to examine the current state of provisional voting regarding how states prepared for the onset of HAVA provisional ballot requirements, how litigation affected the implementation of state requirements for provisional voting, how effective provisional balloting was at increasing the franchisement of qualified voters, and if the processes states and localities used consistently and accurately provided for the counting of provisional ballots.

HAVA also notes that voters meet the proper identification requirements if, in the case of an individual who votes in person, he or she presents to the appropriate State or local election official a current and valid photo identification or presents to the appropriate State or local election official a copy of various specified documents. In the case of the individual who votes by mail, he or she meet the proper identification requirements if, submitted with the ballot, is a copy of the voter's current and valid photo identification or other various specified documents. The EAC seeks to examine the current state of voter identification requirements including understanding the states' current rules, laws and requirements regarding voter identification (ID), how states have handled voter ID requirements in the past, what challenges states faced with enforcing voter ID requirements in the last election, and what changes, if any, states plan on implementing regarding voter ID requirements.

3.0 Key objectives of this contract include obtaining assistance with the analysis and interpretation of various data related to provisional balloting and voter identification activities which occurred in the last Federal election and obtaining assistance with the development of a guidance document regarding provisional voting and voter identification procedures.

4.0 Scope: The contractor will identify and perform analyses of various states' legislation, administrative procedures and court cases related to the implementation of provisional voting procedures that took place during the November 2004 Federal election. These initial analyses will help inform the EAC's February, 2005, public hearing on provisional voting.

024479

From these data gathered and findings from the public hearing, the contractor will then draft a preliminary guidance document that will be reviewed and revised by the EAC's Board of Advisors. Once reviewed and subsequently published in the Federal Register, the Contractor will then arrange a public hearing to allow for public comment on the document. The contractor will synthesize and integrate the findings of the public hearing into the final guidance document that it develops and presents to the EAC.

The contractor will also examine, on a state-by-state basis, the voter identification processes and procedures required in that state. The contractor will examine states' experiences with voter identification with the November 2004 election, through a review of the EAC's Election Day and NVRA Surveys. Information gathered from the states, regarding the implementation of voter ID requirements will be incorporated into the public hearings the EAC will conduct as well as the subsequent guidance that is developed.

5.0 Specific Tasks

- 5.1 Prepare a project work plan. The Contractor will prepare and deliver to the EAC, no later than 10 days after the contract has been awarded, a brief project work plan outlining the project activities and tasks, the products to be delivered and, the timelines in which tasks and products will be delivered.
- 5.2 Analyze information gathered from a variety of identified sources (including data from EAC's Election Day survey) regarding provisional voting. Diagnose problems and challenges to provisional voting implementation and, hypothesize various alternatives to this implementation. Prepare report/memorandum summarizing research methodology and findings
- 5.3 Analyze information gathered from a variety of identified sources (including data from EAC's NVRA survey) regarding voter ID requirements. Diagnose problems and challenges to implementing voter ID requirements in the November 2004 election. Hypothesize/analyze the relationship between voter ID requirements and use of provisional voting in the November 2004 election. Prepare report/memorandum summarizing research methodology and findings.
- 5.4 Develop a "quick look" memorandum summarizing beginning findings of tasks 5.2 and 5.3 for use at the February 23, 2005 EAC hearing on provisional voting.
- 5.5 Prepare summary report of February 23, 2005 EAC hearing.
- 5.6 Use analyses and summaries from tasks 5.2, 5.3, and 5.5 to develop draft guidance on provisional voting. Submit draft guidance to EAC Commissioners and Advisory Board for review.

5.7 Use analyses and summaries from tasks 5.2, 5.3 and 5.5 to develop draft guidance on voter identification requirements. Submit draft guidance to EAC Commissioners and Advisory Board for review.

5.8 Incorporate EAC reviews and comments into draft guidance on provisional voting and on voter ID requirements. Prepare guidance for submission to the Federal Register . Collect comment from Federal Register review and incorporate into guidance document.

5.8 In consultation with EAC staff, plan and execute a public hearing on provisional voting and voter identification to present guidance developed by the EAC on these topics.

6.0 Contract Type. The contract types will be firm fixed price in the amount of XXXXX

7.0 Place of performance. The principal place of performance will be the Contract's place of business. Meetings and occasional work efforts may be performed at the EAC,

8.0 Period of Performance. The period of performance is from date of award until September, 2005.

9.0 Deliverables/Delivery Schedule:

- Project work plan - 2/11/05
- "Quick look" memo on provisional voting and voter ID requirements - 2/21/05
- Participation in provisional voting public hearing - 2/23/05
- Summary of public hearing - 3/16/05
- Report summarizing analysis of provisional voting - 4/29/05
- Report summarizing analysis of voter ID requirements - 4/29/05
- Draft guidance on provisional voting - 5/20/05
- Draft guidance on voter ID requirements - 5/27/05
- Submission for provisional voting guidance to Federal Register- 6/20/05
- Submission of voter ID requirement to Federal Register-6/20/05
- Public hearing on provisional voting-7/27/05
- Public hearing on voter ID requirements -7/28/05
- Final guidance on provisional voting submitted to EAC- 9/01/05
- Final guidance on voter ID requirements submitted to EAC-9/-1/05

10.0 Inspection and Acceptance.

Karen Lynn-Dyson/EAC/GOV

02/18/2005 03:53 PM

To Sheila A. Banks/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Spring A.

cc

bcc

Subject Fw: Commissioner approval (by 2/25) of contracting process
for work on Provisional Voting and Voter ID projects

Hey-

Forgot to cc you all on this.

Thanks

K

Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 02/18/2005 03:50 PM -----

Karen Lynn-Dyson/EAC/GOV

02/17/2005 04:02 PM

To Gracia Hillman, Paul DeGregorio, DeForest Soaries, Ray
Martinez

cc Carol A. Paquette/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC

Subject Commissioner approval (by 2/25) of contracting process for
work on Provisional Voting and Voter ID projects

Commissioners-

As was discussed during our session on February 17, 2005, please *review and provide your approval, disapproval or amendments* to the following items by Friday, February, 25, 2005:

1. The attached Scope of Work which outlines the tasks related to contract work around projects relating to voluntary guidance on provisional voting and voter identification procedures.
2. The proposal will be advertised beginning February 28, 2005.
3. The deadline for submitting proposals will be March 14, 2005.
4. Proposal review will be completed by EAC staff by March 17, 2005
5. Staff will recommend a contractor to the Commissioners on March 18, 2005.
6. Commissioners will be asked for their decisions no later than Tuesday, March 22, 2005

024482



SStatement of Work - Provisional Voting, Voter ID.doc

Thank you for your help and attention to this matter.

K
Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024483

February 14, 2005

PROVIDING EAC ASSISTANCE IN DEVELOPING VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Contract Title: Assistance to the U.S. Election Assistance Commission in the Development of Guidance on Provisional Voting and Voter Identification Procedures

1.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

2.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics for promulgation to the States in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

3.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the urgent need to get this work underway, the EAC has scheduled a public hearing on February 23, 2005, on the topic of provisional voting.

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and cover the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

4.0 Specific Tasks

For ease of reference, following task 4.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is understood that the work on these two topics will be conducted essentially concurrently, with Voter Identification activities starting approximately one month after Provisional Voting.

- 4.1 Prepare a project work plan. The Contractor shall prepare and deliver a brief Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The Plan shall be presented at a project kickoff meeting with the EAC Project Manager.
- 4.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status should also be provided.
- 4.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

- 4.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional

voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

- 4.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 4.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board of Advisors meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the meeting.
- 4.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 4.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 4.11 Convene a half day public hearing on the topic of voter identification requirements. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 4.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 5.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.
- 4.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.15 Arrange one public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the hearing.
- 4.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Contract Type. The contract type will be Time and Materials with a ceiling of

6.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices.

7.0 Period of Performance. The period of performance is from date of award until October 28, 2005.

8.0 Schedule of Deliverables:

- Project plan – 10 days after contract award
- Progress reports – monthly
- Briefings – as required
- Analysis report on provisional voting - TBD
- Alternatives report on provisional voting – TBD
- Preliminary draft guidance on provisional voting - TBD
- Draft guidance on provisional voting for publication – 8/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on provisional voting for EAC adoption – 9/2005
- Analysis report on voter identification requirements – TBD
- Public hearing on voter identification requirements – TBD
- Summary of voter identification requirements hearing - TBD
- Alternatives report on voter identification requirements - TBD
- Preliminary draft guidance on voter identification requirements - TBD
- Draft guidance on voter identification requirements for publication – 9/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on voter identification requirements to EAC for adoption – 10/2005

REMAINING STANDARD CONTRACT TERMS TO BE PROVIDED.

Karen Lynn-Dyson/EAC/GOV

03/29/2005 12:41 PM

To Carol A. Paquette/EAC/GOV@EAC

cc Brian Hancock/EAC/GOV@EAC, Troy
Griffis/EAC/GOV@EAC

bcc

Subject Evaluation Criteria, Provisional Voting RFP

Carol-

Here is my take on the evaluation criteria for the RFP.

Feel free to revise.

Let me know next steps in the review process, when you can.

K



EVALUATION CRITERIA Provisional voting.doc Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024439

EVALUATION CRITERIA

Request for Proposal-Development of voluntary guidance on provisional voting and voter identification procedures

These are the criteria and possible point values that will be used to evaluate proposals.

1. Appropriateness of research methodology and adequacy of analytical strategy (15 points)
2. Principal Investigator's relevant experience (10 points)
3. Relevant organizational experience (10 points)
4. Compliance with proposal instructions (5 points)
5. Reasonableness of allocation of resources to work components (10 points)
6. Results of reference checks (5 points)



Technical Evaluation Criteria for Development of Guidance on Provisional Voting and Voter Identification Procedures

Evaluator:

Date:

Bidder:

1. Demonstrated understanding of the issues of provisional voting and voter identification. (30 points)

Factors: Grasp of major issues and subtle complexities of provisional voting (15 points), grasp of major issues and subtle complexities of Voter ID requirements (15 points)

2. Well-defined and organized research and analysis methodology. (20 points)

Factors: Demonstrated understanding of legal and legislative analysis (12 points), clearly delineated research methodology and plan for conducting analysis (8 points)

3. Principal Investigator's relevant experience. (20 points)

Factors: knowledge of and experiences with the elections process (8 points), knowledge of and experiences with public administration, legal and legislative analysis (8 points), conduct of project work similar to this effort (e.g., reporting to Congress, similar subject matter, (4 points)

4. Relevant organizational experience with this type of research. (15 points)

5. Compliance with proposal instructions. (5 points)

Factors: followed instructions (1), presented a clear proposal (2), overall quality of proposal (2)

6. Results of reference checks. (10 points)

Questions for reference checks:

1. Was work done on schedule?
2. Was work done within budget?
3. What was quality of work product?
4. Describe and characterize the working relationship.
5. Did contractor produce any unique insights, any value-added results?

Karen Lynn-Dyson/EAC/GOV

To Carol A. Paquette/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC

03/30/2005 11:49 AM

cc

bcc

Subject Technical Evaluation Criteria Worksheet

Carol and Brian-

Take a look at this worksheet and see if it adequately covers the factors we'll use to evaluate the
Provisional Voting/Voter ID proposals.

Thanks

K



Technical Evaluation Criteria.doc

Karen Lynn-Dyson

Director, Help America Vote College Program

U.S. Election Assistance Commission

1225 New York Avenue , NW Suite 1100

Washington, DC 20005

tel:202-566-3123

024493

Karen Lynn-Dyson/EAC/GOV

To Carol A. Paquette/EAC/GOV@EAC

cc

05/13/2005 01:14 PM

bcc Gracia Hillman/EAC/GOV@EAC

Subject Kick off meeting with Eagleton

Carol-

Are we still on track to have our kick-off meeting with Eagleton next Wednesday, May 18 at 1:00?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024494

Karen Lynn-Dyson/EAC/GOV
06/08/2005 01:06 PM

To "Tom O'Neill" <[REDACTED]>
cc
bcc
Subject RE: Survey of local election officials

Greetings-

I checked in with my colleagues and they agree that the best approach for you to use is to purchase a list from a commercial publisher. While the EAC has been working on such a list it is a monumental task and a difficult list to assemble and keep current.

Also, I have just reviewed your project workplan. I'd like to receive it in a GANTT chart format.

I'm having difficulty getting a sense of the timeframes and various tasks that must be accomplished; a landscape rather than horizontal format will make this easier to grasp.

Thanks

K
Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"
[REDACTED]
06/07/2005 02:56 PM

To klynndyson@eac.gov
cc
Subject RE: Survey of local election officials

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Tuesday, June 07, 2005 2:29 PM
To: bhancock@eac.gov; bwhitener@eac.gov
Cc: [REDACTED]
Subject: Fw: Survey of local election officials

Hey Brians-

Got an answer for me on this?

024495

Thanks

K
Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/07/2005 02:25 PM -----

"Tom O'Neill" <tom_oneill@verizon.net>

06/07/2005 01:55 PM

To klynndyson@eac.gov
cc Vincelli@rutgers.edu
Subject Survey of local election officials

Karen,

A survey of county election officials to learn their experience with provisional voting in 2004 is an important part of our research. To construct a sample of the local officials, we must begin with a complete list of all county election officials. We have reached out to the following organizations to obtain one.

International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT)

National Association of County Recorders, Election Officials and Clerks (NACRC)

National Association of County Officials (NACO)

IACREOT & NACRC do not offer their directories to non-member. Rutgers is not eligible for membership to either organization. NACO offers a list, but it includes only 695 officials, which would exclude about 2300 counties from the universe from which we will select a sample.

Does EAC have access to, or can it gain access to, a list of county election officials for all US counties?

If that is not possible, we can purchase a list from a commercial publisher (Carroll), but I don't know how regularly it is updated.

024496

The first action step in the survey process will be to select the sample. Each official selected will receive a letter describing the study and its purpose. The actual interview will follow some days later and will be conducted by telephone. Ideally, the list would include a mailing address and telephone contact information.

Tom

Karen Lynn-Dyson/EAC/GOV

06/16/2005 05:42 PM

To Adam Ambrogi/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC

cc

bcc

Subject Fw: Provisional Voting by state

Hey Gents-

Ideas on this?

Thanks

Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/16/2005 05:41 PM -----



"Tom O'Neill"

06/16/2005 05:28 PM

To klynndyson@eac.gov

cc

Subject Provisional Voting by state

Karen:


For our sample survey of local election officials, we need a dispositive list of those states that had provisional voting before HAVA and those for which provisional voting was new. Can you supply one?

I know there are complexities (such as the 6 states with election day registration that were exempt from the HAVA requirement), but I am not sure what all those complexities are. Do you believe that making a list of the pre and post HAVA provisional voting states is possible? If not, we'll abandon the plan to oversample the new provisional voting states that we planned so that we could draw conclusions about the difference experience made in administering the provisional voting process.

Tom

024493

Karen Lynn-Dyson/EAC/GOV
06/17/2005 05:52 PM

To [REDACTED]
cc Carol A. Paquette/EAC/GOV@EAC
bcc
Subject Re: Revised Work Plan --Gantt Chart 

Thanks, Tom

I'll be back in touch, once I've had a chance to more thoroughly review the contents of the chart.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"
[REDACTED]
06/17/2005 03:43 PM

To klynndyson@eac.gov
cc
Subject Revised Work Plan --Gantt Chart

Karen,

Attached is the Gantt chart that you and Carol requested. I think it is most useful if used in conjunction with the work plan table that I sent originally, but whether you use it as freestanding guide to the project or as a supplement, I hope it meets your needs.

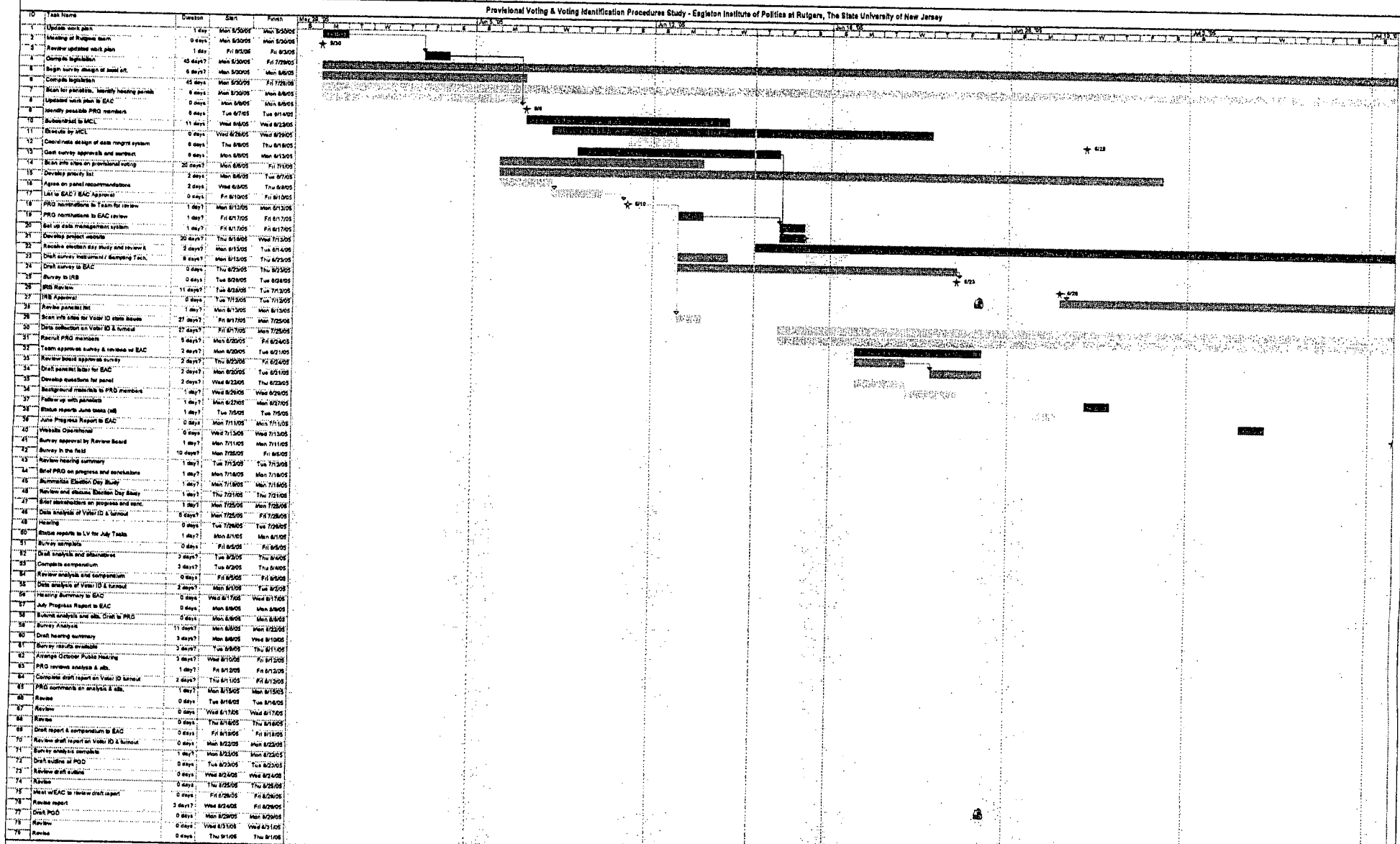
The narrative to complement the Gantt chart will be along early next week.

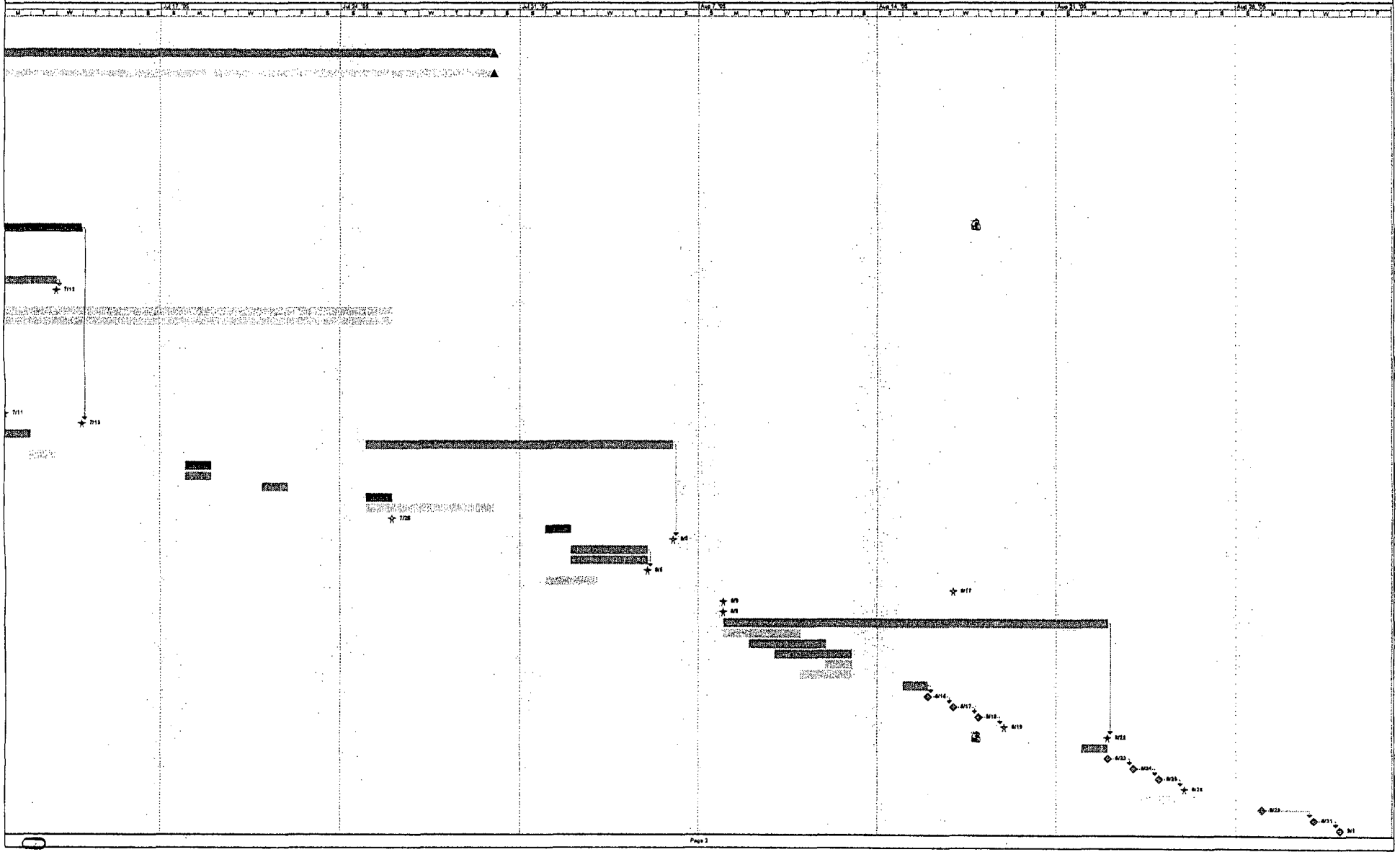


Tom GanttChartFinal.pdf

024499

Provisional Voting & Voting Identification Procedures Study - Eagleton Institute of Politics at Rutgers, The State University of New Jersey





024501

Provisional Voting & Voting Identification Procedures Study - Eagleton Institute of Politics at Rutgers, The State University of New Jersey

ID	Task Name	Duration	Start	Finish	6/5	6/12	6/19	6/26	7/3	7/10	7/17	7/24	7/31	8/7	8/14	8/21	8/28	9/4	9/11	9/18	9/25	10/2	10/9	10/16	10/23	10/30	11/6	11/13	11/20	11/27	12/4	12/11	12/18	12/25	
1	Status reports for August tasks	5 days?	Mon 9/5/05	Fri 9/9/05																															
2	August Progress Report to EAC	0 days	Fri 9/2/05	Fri 9/2/05															★	9/2															
3	Draft PGD to EAC for review	0 days	Tue 9/6/05	Tue 9/6/05															★	9/6															
4	Receive EAC comments; revise	5 days?	Mon 9/12/05	Fri 9/18/05																															
5	Submit Draft GD to EAC BOA & SB	0 days	Fri 9/16/05	Fri 9/16/05																															
6	Draft Analysis & Atts. Report	5 days?	Mon 9/5/05	Fri 9/9/05																															
7	Complete Compendium	5 days?	Mon 9/12/05	Fri 9/18/05																															
8	Arrange December Public Hearing	5 days?	Mon 9/12/05	Fri 9/18/05																															
9	Review draft report	3 days?	Mon 9/19/05	Wed 9/21/05																															
10	Revise draft report	3 days?	Wed 9/21/05	Fri 9/23/05																															
11	Status reports for September tasks	5 days?	Mon 10/3/05	Fri 10/7/05																															
12	September Progress Report to EAC	0 days	Mon 10/3/05	Mon 10/3/05																			★	10/3											
13	Meet EAC BOA/SB	5 days?	Mon 10/3/05	Fri 10/7/05																															
14	Revise GD	1 day?	Fri 10/7/05	Fri 10/7/05																															
15	Draft GD to EAC for publication	5 days?	Mon 10/10/05	Fri 10/14/05																															
16	Publication	0 days	Fri 10/14/05	Fri 10/14/05																															
17	Public Hearing on GD	5 days?	Mon 10/17/05	Fri 10/21/05																															
18	Report Analysis & Atts. To PRG	2 days?	Mon 10/3/05	Tue 10/4/05																															
19	PRG Comments	0 days	Wed 10/5/05	Wed 10/5/05																															
20	Revise	0 days	Thu 10/6/05	Thu 10/6/05																															
21	Submit draft to EAC	0 days	Fri 10/7/05	Fri 10/7/05																															
22	Revise	3 days?	Mon 10/10/05	Wed 10/12/05																															
23	Report, Atts., & Compendium to EAC	0 days	Thu 10/13/05	Thu 10/13/05																															
24	Status reports for October tasks	4 days?	Tue 11/1/05	Fri 11/4/05																															
25	October Progress Report to EAC	0 days	Mon 11/7/05	Mon 11/7/05																															
26	Hearing Summary	5 days?	Mon 11/7/05	Fri 11/11/05																															
27	Analysis of Comments	4 days?	Tue 11/8/05	Fri 11/11/05																															
28	Revise Guidance Document	3 days?	Wed 11/9/05	Fri 11/11/05																															
29	Final Guidance to EAC for adoption	5 days?	Mon 11/14/05	Fri 11/18/05																															
30	Draft PGD	3 days?	Mon 11/7/05	Wed 11/9/05																															
31	Review draft	2 days?	Thu 11/10/05	Fri 11/11/05																															
32	Draft PGD to EAC for review	2 days?	Mon 11/14/05	Tue 11/15/05																															
33	Revise	2 days?	Wed 11/16/05	Thu 11/17/05																															
34	PGD to BOA	1 day?	Fri 11/18/05	Fri 11/18/05																															
35	Meet EAC, BOA/SB	0 days	Mon 11/21/05	Mon 11/21/05																															
36	Revise Draft GD	2 days?	Tue 11/22/05	Wed 11/23/05																															
37	Draft GD to EAC	1 day?	Thu 11/24/05	Thu 11/24/05																															
38	Publication	0 days	Mon 11/28/05	Mon 11/28/05																															
39	Status reports for November tasks	2 days?	Thu 12/1/05	Fri 12/2/05																															
40	November Progress Reports to EAC	0 days	Mon 12/5/05	Mon 12/5/05																															
41	Final Reports to EAC	0 days	Fri 12/23/05	Fri 12/23/05																															
42	Public Hearing	5 days?	Mon 12/5/05	Fri 12/9/05																															
43	Hearing Summary	5 days?	Mon 12/12/05	Fri 12/16/05																															
44	Analysis of comments	1 day?	Mon 12/19/05	Mon 12/19/05																															
45	Revise Guidance Document	3 days?	Tue 12/20/05	Thu 12/22/05																															
46	EAC revises and adopts Final GD	0 days	Fri 12/23/05	Fri 12/23/05																															

Karen Lynn-Dyson/EAC/GOV
06/17/2005 05:56 PM

To "Tom O'Neill" [REDACTED]
cc
bcc
Subject Re: Provisional Voting by state [REDACTED]

Tom-

I checked with our staff and they indicated that we don't have such a list. This is the kind of work that one of your research project interns would/will have to do.

Good luck with creating a good, representative sample population.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"

[REDACTED]
06/16/2005 05:28 PM

To klynndyson@eac.gov
cc
Subject Provisional Voting by state

Karen:

For our sample survey of local election officials, we need a dispositive list of those states that had provisional voting before HAVA and those for which provisional voting was new. Can you supply one?

I know there are complexities (such as the 6 states with election day registration that were exempt from the HAVA requirement), but I am not sure what all those complexities are. Do you believe that making a list of the pre and post HAVA provisional voting states is possible? If not, we'll abandon the plan to oversample the new provisional voting states that we planned so that we could draw conclusions about the difference experience made in administering the provisional voting process.

Tom

024503

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC

06/23/2005 01:45 PM

cc

bcc

Subject Fw: Peer Review Group

Tom-

When you get a moment- could you review Eagleton's proposed Peer Review Group roster and offer your thoughts/suggestions.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 01:44 PM -----



"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

024504

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Karen Lynn-Dyson/EAC/GOV
06/23/2005 02:23 PM

To "Tom O'Neill" [REDACTED]
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Peer Review Group [REDACTED]

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"
[REDACTED]
06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

024507



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
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Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

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1629 K Street, NW, 10th Floor
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Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
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Tim Storey

Program Principal

Legislative Management Program

National Conference of State Legislatures

7700 East First Place

Denver, CO 80230

303-364-7700

or

444 North Capitol Street, N.W., Suite 515

Washington, D.C. 20001

202-624-5400

Peter G. Verniero, Esq.

Counsel

Sills, Cummis, Epstein and Gross, PC

One Riverfront Plaza

Newark, New Jersey 07102

Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

024510

Karen Lynn-Dyson/EAC/GOV

06/23/2005 02:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
bcc

Subject Fw: Peer Review Group

Commissioners-

Enclosed please find a preliminary list of Peer Review Group members, whom Eagleton is considering for their Peer Review Group. Tom Wilkey will be bringing this item to you for discussion and input at Monday's Commissioner's meeting.

Eagleton envisions this Peer Review Group as the body that will review the draft analysis that it will prepare on provisional voting and on voter identification. The Group would also provide comment on the development of alternative approaches to provisional voting and voter identification which Eagleton will develop for the EAC.

I have included the e-mail from the Eagleton Project Director, Tom O'Neil, so that you could get a feel for his approach/philosophy to assembling the Group.

Regards-
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 02:25 PM -----



"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in

024511

academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

024512

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To " [REDACTED] "
cc
bcc Sheila A. Banks/EAC/GOV@EAC; Adam
Ambrogi/EAC/GOV@EAC; Aimee Sherrill; Thomas R.
Wilkey/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject RE: Peer Review Group [REDACTED]

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

024513

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: [REDACTED]

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for

024514

the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

Karen Lynn-Dyson/EAC/GOV
06/24/2005 06:35 PM

To "[REDACTED]"
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"

[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Thursday, June 23, 2005 2:24 PM
To: [REDACTED]
Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

024516

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

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Tom

024517

Karen Lynn-Dyson/EAC/GOV
07/07/2005 02:36 PM

To "Tom O'Neill" <[REDACTED]>
cc "Vincelli, Lauren" <Vincelli@rutgers.edu>
bcc
Subject Re: Progress and Status reports

Indeed, the contract is your best reference on this.

I merely referred to both status and progress report since that is what Rutgers has put in their program plan and their Gantt chart.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"
[REDACTED]
07/07/2005 02:23 PM

To "Lynn-Dyson, Karren" <klynndyson@eac.gov>
cc "Vincelli, Lauren" <Vincelli@rutgers.edu>
Subject Progress and Status reports

Karen,

Since I was puzzled by the distinction you drew in your last email about progress and status reports, I checked the contract. Please confirm my interpretation of Section 3.2.

I read it to require a "progress report," within 2 weeks of the end of each month. "Budget status shall also be provided," the section concludes.

That would mean, I believe, that we owe you a progress report by July 14, and it should include a status report on the budget.

Please let me know if I have misread this section or if you interpret it differently.

Tom

024518

Karen Lynn-Dyson/EAC/GOV
07/08/2005 05:45 PM

To Carol A. Paquette/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC
bcc
Subject Re: Fw: Peer Review Group

Carol, Julie-

Yes, please do let me know on this. I think we need to have an e-mail exchange with Tom in which we clarify roles and responsibilities along with the proper channels of communication on this project.

For the time being I will give him the benefit of the doubt on this- the next time I might be a little less accommodating.

Thanks!

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Peer Review Group

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
"Laura Williams" <[redacted]> "Weingart, John" <john.weingart@rutgers.edu>, "reed, Ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
cc
Subject Peer Review Group

024516

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will

focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the